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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/267,506	03/12/1999	ANTHONY J.P. CAREW	062891.0258	7124

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SUITE 600  
DALLAS, TX 75201-2980

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Page

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/267,506	CAREW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jungwon Chang	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 23-25 are newly added and claims 1-25 are presented for examination.
2. Claims 1-8 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The following terms lack proper antecedent basis:
    - i. the first node – claim 1, line 5;
  - b. The claim language in the following claims is not clearly understood:
    - i. claim 1, line 5, it is uncertain whether the first node refers to a node in line 3 (i.e., the first node should be the node);

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 6,477,539 B1) in view of Croslin (US 5,999,103).

5. As to claims 1, 9, and 16, Smith discloses the invention substantially as claimed, including a method for modeling behavior of elements in a telecommunications network (col. 1, lines 6-9), comprising:

providing a node representing a network element (col. 1, lines 49-55; col. 3, lines 5-9);

storing in the node a first service state for the node (state, figs. 4, 5; col. 6, lines 34-37);

storing in the node a second service state for a first parent node upon which the node is operationally dependent (col. 1, line 66 – col. 2, line 4; col. 5, line 50 – col. 6, line 43);

in response to detecting a triggering occurrence (col. 8, lines 23-35), dynamically associating a second node with the node (col. 8, line 48 – col. 10, line 4);

storing in the node a third service state for the parent node (state, figs. 4, 5; col. 4, lines 6-24; col. 11, lines 62-67); and

in response to receiving at least one of a new second service state and a new third service state, redetermining (i.e., reconfiguring) at the node the first service state for the node using a state determiner (i.e., manager; col. 3, lines 26-29 and 59-67; col. 10, lines 49-67; col. 11, lines 17-32) and at least one of the new second service state

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and the new third service state (col. 8, lines 23-44; col. 10, lines 49-58; abstract, lines 5-8).

6. Smith does not specifically disclose dynamically associating a second parent node with the node. However, Croslin discloses dynamically associating a second parent spare node when a failure of first parent node is detected (col. 2, lines 53-64; col. 8, lines 8-13; col. 9, lines 4-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Smith and Croslin because Croslin's parent spare node would improve the integrity of Smith system by allowing a child node to automatically move the path from the failed parent node to a backup or spare parent node, thereby maintaining high availability tree.

7. As to claim 2, Smith discloses generating the second node in response to a triggering occurrence (col. 8, lines 48-67).

8. As to claims 3, 4, 10, 11, 17, and 18, Smith discloses the network element is a first physical element in the telecommunication network, the first parent node represents a second physical element in the network upon which the first physical element is physically dependent (figs. 4, 5; col. 4, lines 30-65; col. 5, line 49 – col. 6, line 43).

8. As to claims 5, 6, 12, 13 and 19, Smith discloses determining any child nodes for the node, the child nodes operationally dependent upon the node (figs. 4, 5; col. 5, line

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49 – col. 6, line 43); and inserting the new service state for the node in each child node (state, figs. 4, 5; col. 8, lines 23-44; col. 11, lines 62-67).

9. As to claims 7, 14 and 20, Smith discloses in response to receiving a new operation state, redetermining (i.e., reconfiguration) the service state for the node based on the operation state and the parent service state (col. 8, lines 23-44; col. 10, lines 49-58; abstract, lines 5-8).

10. As to claims 8, 15, and 23-25, Smith discloses the operation state is a composite state including at least one of a broken state, an in-service state, and a maintenance state for the node (col. 7, lines 1-15).

11. As to claims 21 and 22, Smith discloses event list including a list of specified events and an action list including an action to take in response to each event in the event list (col. 8, lines 32-44; col. 7, lines 1-15).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bentall et al, patent 6,163,525, Taylor, patent 6,507,565 B1, Locklear, Jr. et al, patent 5,999,565, Matchefts et al, patent 6,128,656 disclose method and system for updating

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selected part of configuration information stored in a memory of a network element depending on status of received state variable.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang  
May 27, 2003

  
**MENG-AL T. AN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**